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It would seem that the public is interested in having such restrictions, that have outlived their usefulness, destroyed and sufficiently so to authorize their taking under eminent domain proceedings.

CONSTITUTIONAL LAW—"EQUAL PROTECTION OF THE LAWS"—COSTS.—Chapter 87, section 5, Oklahoma Session Laws 1915, provided that a docket fee of $25 should be taxed, collected and recoverable as other costs in each case filed in the Supreme Court. Petitioner claimed that the provision was unconstitutional because the amount of the fee was unreasonable considering the service rendered. *Held,* that the provision was constitutional. *In re Lee,* (Okla. 1917), 168 Pac. 53.

Petitioner challenged the reasonableness of the fee, yet the court's argument and citations go to prove little more than that the constitutional provision against selling justice "was never intended to guarantee the right to litigate entirely without expense to the litigants * * *" *Malin* v. *Lamoure County,* 27 N. D. 140. The position is sound as far as it goes, but it is far from a complete answer to the problem propounded. A $25 fee may be so large as to constitute a denial of the equal protection of the laws. The broad reasoning of *Harrison Co.* v. *Willis,* 7 Heisk. (54 Tenn.) 35, eliminates any investigation into the reasonableness of the amount by calling the docket fee a tax on litigation and grouping it with general taxes. *Weston* v. *Charleston,* 2 Pet. 449. But that grouping cannot be relied on here because the act now in question originated in the Senate and it gains its validity only by being distinguished from taxes for revenue. *Henderson* v. *State ex. rel. Stout,* 137 Ind. 552; *Northern Counties Trust* v. *Sears,* 30 Ore. 388. If, then, the reasonableness of the docket fee must be considered, the largest amount actually approved by a court seems to be $6. *Swann* v. *Kidd,* 79 Ala. 431. Still this might not make $25 unreasonable. If the statute had provided for an exception upon filing an affidavit of poverty, it would probably be a clear case. One would like to know whether the state may make a profit on its litigation; whether any uniform fee is reasonable so long as the state makes no profit; whether reasonableness is to be tested only by the possibility of discrimination among the litigants; whether the fee may be more than a reasonable compensation for the actual labor performed by the clerk. The facts seem to answer the last question in the negative unless answers to all the questions be considered *dicta* on the ground that the docket fee was for the Supreme Court and might well be considered as intended to repress appeals. *Harrigan* v. *Gilchrist,* 121 Wis. 127. The question then would be whether the right to abolish gives the right to regulate without judicial control.

CONSTITUTIONAL LAW—POLICE POWER—UNIFORM STATE GRADING ACT.—N. Dak. Laws 1917, c. 56, proposed to create uniform state grades for all grain by having an expert state inspector appointed to define and publish the grades. He was, also, to appoint deputy inspectors and it was made unlawful for any person operating a public warehouse to purchase grain without being licensed as a deputy unless the grain had been previously graded, weighed, and inspected by a deputy. The towns in various quarters were to furnish means for weighing and inspecting; the state inspector was to prescribe the

rates to be charged. Petitioner was arrested for operating a public elevator and purchasing grain without such a license. In *habeas corpus* proceedings he questions the constitutionality of the act. *Held,* that so far as petitioner was concerned, the act was constitutional. *State ex. rel. Gaulke* v. *Turner,* (N. Dak. 1917), 164 N. W. 924.

What is due exercise of the police power is in every case a question of fact, hence a discussion of authorities is rather unsatisfactory. To judge the evils attacked by a statute or the importance of the question in state life, knowledge of local conditions, rather than law, is requisite. With such a fertile field for distinguishing cases it seems rather unnecessary for the court to go to the trouble of trying to overrule the recent case of *Adams* v. *Tanner, Atty. Gen. of Wash.,* 244 U. S. 590. While the majority of the court there held unconstitutional a statute doing away with private employment agencies, it was conceded, in view of *Murphy* v. *California,* 225 U. S. 623, that non-useful occupations may be prohibited even before the evil is flagrant, if the occupation is harmful to the public according to local conditions or the manner in which it is conducted. It was for the court here only to discuss the evil instead of taking it for granted. Running a public warehouse or dealing in grain would seem to be, like transportation, "clothed with a public interest" and consequently especially liable to legislative regulation. *Munn* v. *Illinois,* 94 U. S. 113; *Ruggles* v. *Illinois,* 108 U. S. 526. The limitation of the farmers' market would seem to present a greater argument against the constitutionality of the statute. But as no farmer was before the court, petitioner was not alowed to attack the statute as an undue limitation of the farmers' rights. The court cites no authority for this proposition.

CONSTITUTIONAL LAW—RIGHT OF WOMEN TO VOTE.—The constitution of Indiana provides that in all elections not otherwise provided for by the constitution, every male citizen of the age of 21 years and upward shall be entitled to vote. The legislature passed an act extending the privilege of voting to persons not named in the constitution. *Held,* since the right of suffrage is not inherent or natural and is held only by those upon whom it is bestowed by express constitutional grant, the legislative act is unconstitutional and void. *Board of Election Com'rs of City of Indianapolis* v. *Knight,* (Ind. 1917), 117 N. E. 565.

This decision was forecasted by two earlier Indiana decisions involving the same constitutional question, where it was held that that which is expressed negatives that which is not expressed. *Gougar* v. *Timberlake,* 148 Ind. 38. A constitutional declaration as to how a right may be exercised impliedly prohibits its exercise in some other way, under the rule that *expressio unius est exclusio alterius. State* v. *Patterson,* 181 Ind. 660. Cooley, (CONSTITUTIONAL LIMITATIONS, 7th ed., 99), was of the same opinion. The legislature has no general power to confer the elective franchise on classes other than those to whom it is given by the constitution, since its description of those who are entitled to vote is regarded as excluding all others. Kansas, New Jersey, New York, Utah, and Pennsylvania follow the Indiana rule. *Wheeler* v. *Brady,* 15 Kas. 26; *Kimball* v .*Hendee,* 57 N. J. L. 307; *In Re Gage,* 141